

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:14-CV-178-H

GUSTAVO ROMANELLO,)
)
Plaintiff,)
)
v.) **SCHEDULING ORDER**
)
BANKUNITED, N.A.,)
)
Defendant.)

This case comes before the court for the issuance of a Scheduling Order. The court has reviewed the parties' Joint Rule 26(f) Report ("Discovery Plan") (D.E. 19), filed 16 June 2014 and annexed hereto. The court finds the Discovery Plan to be reasonable. Accordingly, the Discovery Plan is APPROVED, subject to the changes reflected herein, which include the adjustment of deadlines to avoid weekends and holidays.

Critical deadlines are as follows:

1. All discovery shall be commenced in time to be concluded by 30 December 2014.
2. Reports from retained experts shall be due from plaintiff by 30 September 2014 and from defendant by 28 November 2014. The parties must conduct any depositions of experts by 27 February 2015, the deadline for completion of all expert discovery.
3. All potentially dispositive motions shall be filed by 30 March 2015.
4. This action will be calendared for trial before Senior District Judge Malcolm J. Howard at his 17 August 2015 Greenville term. A trial calendar indicating the order in which cases will be called for trial at that term will be distributed two months beforehand. At the same time, a final pre-trial conference will be scheduled approximately two weeks before the trial.

The remaining portions of the Discovery Plan not modified herein are ADOPTED as the court's Order.

Supplementation under Fed. R. Civ. P. Rule 26(e) must be made promptly after receipt of the information by the supplementing party. In addition, motions to join additional parties and to amend pleadings must be made promptly, but in no event later than 30 September 2014. Nothing in this Order shall relieve any party of any requirement to obtain court approval prior to joining a party or amending its pleadings. Any motion to amend filed after the deadlines set in this Order must meet the standards of Fed. R. Civ. P. 15 and 16.

Counsel are cautioned not to be dilatory in pursuing discovery. Motions for extension of discovery deadlines are not favored if they would require a continuance of the trial.

Any party that makes an appearance after this Order has been entered shall be required to confer with opposing counsel and make disclosures pursuant to Fed. R. Civ. P. 26(a)(1) within 21 days after the party's appearance. Such party shall be bound by the terms of this Order unless the party moves for and obtains amendment of this Order by the court.

This case is not subject to mandatory mediation, pursuant to Local Civil Rule 101.1a(b), E.D.N.C. The parties are reminded that on request the court will assist with settlement negotiations or other alternative dispute resolution, such as a court-hosted settlement conference or summary jury trial, by making available a judge other than the trial judge to explore these possibilities. In their Discovery Plan, the parties indicate a potential interest in participation in mediation. If that is the parties' intention, they shall timely file an appropriate motion for such relief.

SO ORDERED, this the 27th day of June 2014.



James E. Gates
United States Magistrate Judge

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CIVIL ACTION NO.: 5:14-CV-00178-H

GUSTAVO ROMANELLO,)
vs.)
Plaintiff,)
BANKUNITED, N.A.)
Defendant,)
_____)

JOINT RULE 26(f) REPORT

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was conducted on June 6, 2014 and Gustavo Romanello, *Plaintiff Pro Se* and Sean T. Partrick, counsel for Defendant participated in the meeting.
2. **Pre-Discovery Disclosures.** The parties will exchange by August 1, 2014 the information required by Fed. R. Civ. P. 26(a)(1).

3. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan: Standard
 - a. Discovery will be needed on the following subjects: relevant privilege information, testimony, documents related to the allegations and claims advanced by Plaintiffs and allegations, denials and affirmative defenses of the Defendant.
 - b. All discovery commenced in time to be completed by December 30, 2014. The parties may conduct for trial depositions of experts at any time through February 28, 2015.
 - c. The number of discovery depositions will not be limited.
 - d. Reports from retained experts under Rule 26(a)(2) along with a list of each expert's available dates for depositions are due during the discovery period: From Plaintiffs by September 30, 2014, from Defendant by November 30, 2014.

- e. Supplementation under Rule 26(e) are due during the discovery period from all parties in a timely manner upon learning that in some material respect a disclosure or response previously made is incomplete or incorrect.

4. **Other items.**

- a. The parties do not request a conference with the Court before the entry of a scheduling order.
- b. The parties request a pretrial conference in April 30, 2015.
- c. The parties should be allowed until September 30, 2014 to move to join additional parties or amend Pleadings.
- d. All potentially dispositive motions should be filed by March 30, 2015.
- e. The parties have discussed settlement and may request that a Mediation Settlement Conference take place in this matter late in the discovery process or by October 31, 2014.
- f. At least 30 days before the final pretrial conference, Plaintiffs shall provide Defendants with the Plaintiffs' final list of witnesses and exhibits under Rule 26(a)(3) and all Defendant shall exchange with Plaintiffs the Defendant's final list of witnesses and exhibits unde Rule 26(a)(3).
- g. Fifteen days before the pretrial conference, any party may designate and serve any objections to the disclosures.
- h. The parties' Rule 26(a)(3) disclosures and objections shall be incorporated into the final pretrial order. The pretrial order shall be submitted to the court five days prior to the pretrial conference.
- i. The case should be ready for trial by May 30, 2015 or no less than 90 days after any dispositive motion(s) have been filed, served and heard, whichever is later. The parties expect trial of this action to take approximately one week.
- j. The parties have discussed special procedures for managing the case, including referral to a Magistrate Judge and Defendant does not consent to referral of the case to a Magistrate Judge.

This the 16th day of June, 2014

YATES, MCLAMB & WEYHER, LLP

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: and I hereby certify that I have mailed the document to the following non CM/ECF Participants:

Gustavo Romanello
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Knightdale, NC 27545
Plaintiff Pro Se

This the 16th day of June, 2014

YATES, MCLAMB & WEYHER, LLP

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